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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DREIER LLP

Chapter 11

Case No. 08-15051 (SMB)

Debtor.

-----X
IN RE:

MARC S. DREIER

Chapter 7

Case No. 09-10371 (SMB)

Debtor.

-----X

**APPELLANTS' STATEMENT OF ISSUES TO BE PRESENTED
ON APPEAL AND DESIGNATION OF CONTENTS OF THE RECORD**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Paul Gardi and Alex Interactive Media, LLC (the "Gardi Parties"), as appellants, hereby submit the following designation of items to be included in the record on appeal and statement of issues to be presented in connection with the Notice of Appeal to the United States District Court for the Southern District of New

York, dated August 5, 2010, filed by the Gardi Parties with the United States Bankruptcy Court for the Southern District of New York from the Order, entered in the above-captioned actions on July 22, 2010 (the “Order”) by the United States Bankruptcy Court for the Southern District of New York (Hon. Stuart M. Bernstein).

STATEMENT OF ISSUES

1. Whether the Bankruptcy Court erred as a matter of law in approving the settlement agreement (the “Verition Settlement”) as among the Chapter 11 Trustee for Dreier LLP, the Chapter 7 Trustee for Marc S. Dreier (collectively, the “Trustees”), Verition Fund Management LLC, and Verition Multi-Strategy Master Fund, Ltd. (collectively, “Verition”)?

2. Whether the Bankruptcy Court erred as a matter of law in finding that it was reasonable to award the Chapter 11 Bankruptcy Trustee the entire \$9 million settlement payment made by Verition in connection with Verition’s settlement with the Chapter 11 and Chapter 7 Estates of all potential preference claims against Verition arising from transfers to Verition from the JPMorgan Chase Bank Account ending in 5966 (the “5966 Account”)?

DESIGNATION OF CONTENTS OF RECORD

The Gardi Parties designate the following items for inclusion in the record on appeal:

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	104	February 10, 2009	Trustee Gowan’s Motion to Authorize the Release of Trust Funds Determined Not to be Property of the Estate
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	161	March 4, 2009	Notice of Settlement of an Order Authorizing Trustee Gowan to Release Trust Funds Determined Not to be Part of the Bankruptcy Estate
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	167	March 10, 2009	Order Authorizing Trustee Gowan to Release Trust Funds Determined Not to Be Part of the Bankruptcy Estate

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	337, 338	January 8, 2010	Trustee Gowan's Motion Pursuant to Section 105(a) of the Bankruptcy Code and Rule 9019 of the Federal Rules of Bankruptcy Procedure for Approval of Agreements ("Trustee Gowan's Motion for Approval of GSO Agreements")
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	344, 345, 346	January 15, 2010	Gardi Parties' Motion for an Order Granting Relief from the Automatic Stay ("Gardi Parties' Motion for Relief from Stay")
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	355	January 26, 2010	Fortress Investment Group, LLC's Objection to the Gardi Parties' Motion for Relief from Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	356	January 26, 2010	Official Committee of Unsecured Creditors' Objection to the Gardi Parties' Motion for Relief from Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	359	January 26, 2010	Trustee Gowan's Objection to the Gardi Parties' Motion for Relief from Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	363	January 27, 2010	Perella Weinberg Partners Xerion Master Fund Ltd's Limited Objection to Trustee Gowan's Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	364, 365	January 27, 2010	Gardi Parties' Objection to Trustee's Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	366, 367	January 27, 2010	Eton Park, Fortress, and Concordia Funds' Objection to Trustees' Motions for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	371	February 1, 2010	Trustee Gowan's Reply in Support of Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	372	February 1, 2010	Statement of GSO Capital Partners LP in Support of Trustees' Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	373	February 1, 2010	Statement of U.S.A. in Support of Trustees' Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	376	February 2, 2010	Transcript of Hearing Re Trustee Gowan's Motion to Approve Settlement Agreement with GSO Parties

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	377	February 8, 2010	Memorandum Order signed on February 5, 2010 by the Honorable Jed S. Rakoff, United States District Judge
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	520	April 28, 2010	Memorandum Decision Denying Motions to Approve GSO Settlements and Lift the Automatic Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	535	May 4, 2010	Notice of Settlement of an Order Denying Without Prejudice the Trustees' Motion for Approval of GSO Agreements and Denying Without Prejudice the Gardi Parties' Motion for Relief from Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	540, 541	May 6, 2010	Trustee's Renewed Motion Pursuant to Section 105(a) of the Bankruptcy Code and Rule 9019 of the Federal Rules of Bankruptcy Procedure for Approval of Agreements (the "Renewed Motion for Approval of GSO Agreements")
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	553	May 12, 2010	Order Denying Without Prejudice the Trustees' Motions for Approval of GSO Settlement Agreement and Coordination Agreement, and Denying without Prejudice the Gardi Parties' Motion for an Order Granting Relief from the Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	555	May 12, 2010	Trustee's Amended Motion to Approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	556	May 12, 2010	Gardi Parties' Notice of Appeal of order denying Motion for Relief from Stay
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	569	May 20, 2010	Gardi Parties' Objection to the Renewed Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	571	May 21, 2010	Trustees' Motion to Approve Trustees' Agreement (the "Joint Trustees Settlement")
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	588	May 26, 2010	Gardi Parties' Designation of Record and Issues on Appeal

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	589	May 26, 2010	GSO Parties' Response to the Gardi Parties' Objection to the Renewed Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	600	June 3, 2010	Transcript of hearing held on May 27, 2010 regarding Renewed Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	610	June 9, 2010	Order Granting Renewed Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	611	June 9, 2010	Gardi Parties' Objection to motion to approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	612	June 9, 2010	Official Committee of Unsecured Creditors' Objection to motion to approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	613	June 9, 2010	Gardi Parties' Objection to motion to approve Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	616	June 10, 2010	Memorandum Endorsed Letter Denying the Gardi Parties' Adjournment Request
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	619	June 14, 2010	Trustee's Notice of Filing of Revised Proposed Order regarding Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	622	June 23, 2010	Gardi Parties' Notice of Appeal of Order granting renewed motion for approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	623, 624, 625	June 23, 2010	Order to Show Cause/Gardi Parties' Emergency Motion for Stay Pending Appeal/Supporting Affidavit of Alexander S. Lorenzo
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	629	June 24, 2010	Declaration of Trustee Gowan in support of motion for Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	630	June 24, 2010	Signed Order to Show Cause
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	632	June 21, 2010	Transcript regarding hearing held on June 16, 2010 regarding, inter alia, motion to approve Verition Settlement

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	635	June 29, 2010	The Official Committee of Unsecured Creditors' Objection to the Gardi Parties' Emergency Motion for Stay Pending Appeal
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	636	June 29, 2010	Trustee Gowan's Objection to the Gardi Parties' Emergency Motion for Stay Pending Appeal
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	637	June 29, 2010	GSO Parties' Objection to Gardi Parties' Emergency Motion for Stay Pending Appeal
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	--	July 1, 2010	Transcript of deposition of Trustee Gowan.
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	649	July 9, 2010	Declaration of Trustee Gowan in Support of Motion to Approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	652	July 13, 2010	Trustee's Second Revised Proposed Order in regard to Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	653	June 30, 2010	Transcript of hearing held on June 30, 2010 regarding Emergency Motion for Stay Pending Appeal
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	664	July 22, 2010	Order granting motion to approve Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	665	July 22, 2010	Order granting amended motions to approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	666	July 23, 2010	Transcript of hearing held on July 22, 2010 regarding, inter alia, motion to approve Verition Settlement.
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	673	August 5, 2010	Gardi Parties' Notice of Appeal of Order granting Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 11 No. 08-15051	674	August 5, 2010	Gardi Parties' Notice of Appeal of Order granting Verition Settlement

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	121, 122	January 8, 2010	Trustee LaMonica's Motion to Approve Compromise with Trustee Gowan, GSO Capital Partners LP, and the GSO Parties ("Trustee LaMonica's Motion for Approval of GSO Agreements")
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	127	January 27, 2010	Perella Weinberg Partners Xerion Master Fund Ltd.'s Limited Objection to Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	128, 129	January 27, 2010	Eton Park Capital Management LP's Objection to Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	131, 132	January 27, 2010	Gardi Parties' Objection to Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	135	January 29, 2010	Trustee LaMonica's Reply in Further Support of Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	136	February 1, 2010	Statement of GSO Capital Partners LP in Support of Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	137	February 1, 2010	Statement of U.S.A. in Support of Trustee LaMonica's Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	139	February 2, 2010	Transcript of hearing regarding Trustee's Motion to Approve Settlement Agreement with GSO Parties

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	140	February 8, 2010	Memorandum Order signed on February 5, 2010 by the Honorable Jed S. Rakoff, United States District Judge.
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	--	April 12, 2010	Transcript of the Audioconference of 341 Creditors Meeting at the Office of the United States Trustee
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	163	April 28, 2010	Memorandum Decision Denying Motions to Approve GSO Settlements and Lift the Automatic Stay
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	167	May 4, 2010	Notice of Settlement of an Order Denying Without Prejudice the Trustees' Motion for Approval of Agreements and Denying Without Prejudice the Gardi Parties' Motion for Relief from Stay
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	169	May 12, 2010	Order Signed Denying Without Prejudice the Trustees' Motions for Approval of GSO Settlement Agreement and Coordination Agreement, and Denying Without Prejudice
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	170	May 12, 2010	Gardi Parties' Notice of Appeal
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	171	May 12, 2010	Trustee LaMonica's Motion to Approve Compromise (Renewed), Pursuant to Section 105(a) of the Bankruptcy Code and Rule 9019 of the Federal Rules of Bankruptcy Procedure, for Approval of Certain Agreements ('Trustee LaMonica's Renewed Motion for Approval of GSO Agreements')
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	172, 173	May 12, 2010	Trustee LaMonica's Motion to Approve Verition Settlement

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	177	May 20, 2010	Gardi Parties' Objection to the Renewed Motion for Approval of GSO Agreements
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	178	May 21, 2010	Trustees' Joint Motion to Approve Trustees' Agreement (the "Joint Trustees Settlement")
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	180	May 26, 2010	Gardi Parties' Designation of Record and Issues on Appeal
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	181	May 26, 2010	GSO Parties' Objection to the Renewed Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	189	May 28, 2010	Transcript of hearing held on May 27, 2010 regarding Renewed Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	191	June 9, 2010	Order Granting Renewed Motion for Approval of GSO Agreements
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	192	June 9, 2010	Gardi Parties' Objection to the Motion for Approval of Verition Settlement
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	193	June 9, 2010	Gardi Parties' Objection to motion to approve Joint Trustees Settlement
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	197	June 23, 2010	Gardi Parties' Notice of Appeal
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	198, 199, 200	June 23, 2010	Gardi Parties' Order to Show Cause/Emergency Motion for Stay Pending Appeal/Supporting Affidavit of Alexander S. Lorenzo
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	201	June 24, 2010	Signed Order to Show Cause

Case Name	Docket No/s.	Filing Date or Document Date	Description
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	203	June 21, 2010	Transcript of hearing held on June 16, 2010 regarding, inter alia, the Verition Settlement
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	205	June 29, 2010	Trustee LaMonica's Opposition to the Gardi Parties' Emergency Motion for Stay Pending Appeal
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	207	June 29, 2010	GSO Parties' Objection to Gardi Parties' Emergency Motion for Stay Pending Appeal
<i>In re Marc S. Dreier</i> Chapter 7 No. 09-10371	212	June 30, 2010	Transcript of hearing held on June 30, 2010 regarding Emergency Motion for Stay Pending Appeal
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	--	July 1, 2010	Transcript of deposition of Trustee Gowan.
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	213	July 21, 2010	Supplemental Statement of Trustee LaMonica in further support of motion to approve Joint Trustees' Settlement
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	215	July 22, 2010	Order granting Trustees' motion to approve Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	216	July 22, 2010	Order granting Trustees' amended motions to approve Verition Settlement
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	220	August 5, 2010	Gardi Parties Notice of Appeal of the Order granting Trustees' motion to approve Joint Trustees Settlement
<i>In re Dreier LLP</i> Chapter 7 No. 08-15051	221	August 5, 2010	Gardi Parties' Notice of Appeal of the Order granting Trustees' amended motions to approve Verition Settlement

Dated: New York, New York
August 19, 2010

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